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SERIES III No. 20

# OFFICIAL GOVERNMENT OF GOA GAZETTE



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## EXTRAORDINARY

### GOVERNMENT OF GOA

Department of Home

Home—General Division

Office of the District Magistrate,  
North Goa

#### Order

No. 40/18/2017-MAG/BYE ELECTION/101

#### Under Section 144 of Criminal Procedure Code, 1973

Whereas, polling to the Bye Election to 11 - Panaji & 19 - Valpoi Assembly Constituencies, 2017 is scheduled to be held on 23-08-2017 in the State of Goa and the Election Model Code of Conduct is already in force with effect from 28-07-2017;

And whereas, it is essential to conduct the General Election in free and fair manner and to maintain public peace, order and tranquillity as per provisions of Law and Model Code of Conduct which has come into effect from 28-07-2017;

And whereas, there is possibility that political disputes, confrontation and violence could start on the eve of the poll day mostly during door to door campaigning, intimidation of voters or influencing voters and due to gathering any crowd and creates nuisance and law and order problem.

And whereas, Section 126 of the Representation of the People Act, 1951, provides that no candidate shall try to influence voters in any way and thus no public meetings, procession, musical concert or rally or any kind of efforts for campaigning or electioneering is to be allowed in the last 48 hours from the hours of close of poll i.e. 17:00 hrs. on 21-08-2017.

And whereas, Sections 171-B and 171-C of the Indian Penal Code (IPC) clearly disallow attempts of bribery and undue influence on any person or voter and whoever commits offence of bribery is punishable under Section 171-E of IPC and whoever commits the offence of undue influence or impersonation at an election is punishable under section 171-F of IPC.

Now therefore, I, Nila Mohanan, IAS, District Magistrate, North Goa District, in exercise of the power vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 do hereby order that:

- (1) From 17:00 hours of 21-08-2017 to midnight of 23-08-2017 in 11 - Panaji & 19 - Valpoi Assembly Constituencies under the jurisdiction of North Goa District—
  - (a) Any Assembly of five or more persons (including contesting candidates & workers) will be deemed as unlawful assembly under Section 144 of the Code of Criminal Procedure, 1973 and shall be prohibited to hold any procession or rally under the garb of house to house visits or corner meetings and to prevent creation of any nuisance and law and order problem.
  - (b) All vehicles permitted for use contesting candidates by the Returning Officer for campaigning shall not ply on roads so as to avoid any distribution of money or gifts or liquor and to prevent any nuisance and law and order problem, except the vehicles authorized by the Returning Officer, DEO & CEO on the day of poll.

- (c) All private vehicles shall be checked in a dignified manner to avoid their misuse for distribution of money or gifts or liquor and for causing any nuisance also to avoid any harassment to private persons.

The circumstances do not permit the serving in due time of the notices individually upon the persons against whom this order is directed. Therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973 the order is passed ex-parte.

However, the above order shall not apply to the authorized officers on Election Duty by the Election Commission or the State Government, including the Polling Officials, Magistrates, Police Officials and Government staff.

Given under my hand and seal of this office on this 16th day of August, 2017.

Panaji.— The District Magistrate, *Nila Mohanan*, IAS.

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**Order**

No. 40/18/2017-MAG/BYE ELECTION/102

**Under Section 144 of Criminal  
Procedure Code, 1973**

Whereas, polling to the Bye Election to 11 - Panaji & 19 - Valpoi Assembly Constituencies, 2017 is scheduled to be held on 23-08-2017 in the State of Goa and the Election Model Code of Conduct is already in force with effect from 28-07-2017;

And whereas, it is essential to conduct the General Election in free and fair manner and to maintain public peace, order and tranquillity as per provisions of Law and Model Code of Conduct which has come into effect from 28-07-2017;

And whereas, it has come to the notice of the undersigned that political disputes, confrontation and violence start on the eve of the poll mainly due to misuse of Hotels, Restaurants, Tea Shops, Pan Shops and other food shops/joints (Dhabas, Gaddas) etc., due to gathering of crowd at such places within the vicinity of 200 meters of the polling stations, which creates nuisance and law and order problems.

And whereas, Sections 171-B and 171-C of the Indian Penal Code (IPC) clearly disallow attempts of bribery and undue influence on any person or voter and whoever commits offence of bribery is

punishable under Section 171-E of IPC and whoever commits the offence of undue influence or impersonation at an election is punishable under Section 171-F of IPC.

Now therefore, I, Nila Mohanan, IAS, District Magistrate, North Goa District, in exercise of the powers vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 hereby order that on the day of the poll viz from 06:00 hrs. to midnight on 23-08-2017, all Hotels, Restaurants, Bars, Tea shops, Pan shops, Eateries and other Food shops/joints (Dhabas, Gaddas) etc., within the vicinity of 200 meters of any polling stations in 11 - Panaji & 19 - Valpoi Assembly Constituencies shall remain closed to avoid their misuse for campaigning or intimidation of voters or influencing voters. I further ban any gathering or crowd comprising of more than 5 persons within 200 meters of any polling stations in order to avoid occurrence of any law and order problem.

The circumstances do not permit the serving in due time of the notices individually upon the persons against whom this order is directed. Therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973 the order is passed ex-parte.

Failure to comply with this order shall be liable for penal action under Section 188 of Indian Penal Code and other relevant provisions of laws in force.

Given under my hand and seal of this office on this 16th day of August, 2017.

Panaji.— The District Magistrate, *Nila Mohanan*, IAS.

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**Order**

No. 40/18/2017-MAG/BYE ELECTION/103

**Under Section 144 of Criminal  
Procedure Code, 1973**

Whereas, polling to the Bye Election to 11 - Panaji & 19 - Valpoi Assembly Constituencies, 2017 are scheduled to be held on 23-08-2017 in the State of Goa and the Election Model Code of Conduct is already in force with effect from 28-07-2017;

And whereas, Section 29(A) of Goa Excise Duty Act, 1964 empowers the District Magistrate to order the closure of the licensed premises "for the sale of liquor" within his/her jurisdiction for such period as may be necessary and appropriate for maintenance of law and order.

And whereas, in my considered opinion there is sufficient grounds for proceeding under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 for closure of all the licensed premises “for the sale of liquor” within North Goa District from 17:00 hrs. of 21-08-2017 till midnight of 24-08-2017 and throughout day and night on 28-08-2017, in view of polling and counting of votes for Bye Election to 11 - Panaji & 19 - Valpoi Assembly Constituencies, 2017;

Now therefore, I, Nila Mohanan, IAS, District Magistrate, North Goa District, in exercise of the power vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 read with Section 29A of the Goa Excise Duty Act, 1964 do hereby order that all the licensed premises “for the sale of liquor” shall remain closed from “17:00 hrs. of 21-08-2017 till midnight of 24-08-2017 and throughout day and night on 28-08-2017”, in view of polling and counting of votes for Bye Election to 11 - Panaji & 19 - Valpoi Assembly Constituencies, 2017.

The circumstances do not permit the serving in due time of the notices individually upon the persons against whom this order is directed.

Therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973 the order is passed ex-parte.

Further, the licensed premises having license for Bar and Restaurant are allowed to keep the Restaurant open for serving food only and the Bar counter shall be closed and no liquor shall be allowed to be served on the above mentioned days and time. The owners of the licensed premises having Bar and Restaurant shall display a board in the premises stating that No Liquor will be served on the said days and time and that only the Restaurant is open for serving food.

Failure to comply with this order shall result in the cancellation of licences and the owner or offender shall be liable for penal action under section 188 of Indian Penal Code, section 30 of the Excise Duty Act, 1964 and other relevant provisions of laws in force.

Given under my hand and seal of this office on this 16th day of August, 2017.

Panaji.— The District Magistrate, *Nila Mohanan*, IAS.

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